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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 JANICE GALE SILVA,

8 Plaintiff,

9 v.

10 MICHAEL J. ASTRUE, Commissioner of
Social Security,

11 Defendant.

CASE NO. C08-5487 FDB

ORDER ADOPTING REPORT
AND RECOMMENDATION
AFFIRMING COMMISSIONER

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13 The Magistrate Judge recommends that the Court should conclude that Daniel Berry was properly
14 denied social security benefits because application of the proper legal standard and substantial evidence
15 support the Administrative Law Judge's (ALJ) finding that Plaintiff is not disabled. Plaintiff has not filed
16 objections to the Report and Recommendation.

17 The Court, having reviewed Plaintiff's complaint, the Report and Recommendation of Judge
18 Karen L. Strombom, United States Magistrate Judge, and the remaining record, does hereby find and
19 ORDER:

- 20 (1) The Court adopts the Report and Recommendation;
21 (2) The administrative decision is AFFIRMED; and
22 (3) The Clerk is directed to send copies of this Order to Plaintiff's counsel, Defendant's
23 counsel and Magistrate Judge Karen L. Strombom.

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25 DATED this 16th day of June, 2009.

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28 FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE